

## HOUSE BILL NO. 628

INTRODUCED BY CLARK, ELLIOTT, JOPEK, HEINERT, JACKSON, WANZENRIED, CURTISS, LEWIS,  
ROBERTS, TAYLOR, DOWELL, NOONAN, MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A BOARD OF PRIVATE ALTERNATIVE  
ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAMS; PROVIDING FOR REGISTRATION WITH THE  
DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING BOARD DUTIES; ~~AND~~ REQUIRING A REPORT TO  
THE LEGISLATURE ON THE NEED FOR ANY ADDITIONAL REGULATION; AND PROVIDING AN IMMEDIATE  
EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Board of private alternative adolescent residential OR OUTDOOR**  
**programs.** (1) There is a board of private alternative adolescent residential OR OUTDOOR programs.

(2) The board consists of five members appointed by the governor with the consent of the senate for  
3-year terms. The members must include:

(a) three members ~~who must be representatives from~~ FROM A LIST OF NOMINEES PROVIDED BY PROGRAMS,  
AS DEFINED IN [SECTION 2 3], OF various sizes and types of programs as defined in [section 2]; and

(b) two members who must be from the general public.

(3) A vacancy on the board must be filled in the same manner as the original appointment.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

**NEW SECTION. SECTION 2. PURPOSE.** THE PURPOSE OF THE BOARD IS TO EXAMINE THE BENEFIT OF  
LICENSING PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAMS AS A PUBLIC SERVICE TO MONITOR  
AND MAINTAIN A HIGH STANDARD OF CARE AND TO ENSURE THE SAFETY AND WELL-BEING OF THE ADOLESCENTS AND  
PARENTS USING THE PROGRAMS. NECESSARY LICENSURE PROCESSES AND SAFETY STANDARDS FOR PROGRAMS ARE  
BEST DEVELOPED AND MONITORED BY THE PROFESSIONALS THAT ARE ACTIVELY ENGAGED IN PROVIDING PRIVATE  
ALTERNATIVE ADOLESCENT RESIDENTIAL CARE.

**NEW SECTION. Section 3. Definitions.** As used in ~~[section 3]~~ [SECTIONS 2 THROUGH 4], the following

1 definitions apply:

2 (1) "Board" means the board of private alternative adolescent residential OR OUTDOOR programs  
3 provided for in [section 1].

4 (2) "Department" means the department of labor and industry provided for in 2-15-1701.

5 (3) (a) "Program" means a private alternative adolescent residential OR OUTDOOR program that provides  
6 a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or  
7 learning problems and who have a history of failing in academic, social, moral, or emotional development at  
8 home or in less-structured traditional settings.

9 (b) The term does not include:

10 (i) ~~youth care facilities as provided in 52-2-602~~ ANY PROGRAM THAT IS REQUIRED TO BE LICENSED OR  
11 REGULATED BY THE STATE UNDER TITLE 50, 52, OR 53;

12 (ii) recreational programs such as boy scouts, girl scouts, or 4-H clubs;

13 (iii) organizations, boarding schools, or residential schools with a sole focus on academics;

14 (iv) residential training or vocational programs with a sole focus on education and vocational training;

15 ~~or~~

16 (v) youth camps with a focus on recreation and faith-related activities; OR

17 (VI) AN ORGANIZATION, BOARDING SCHOOL, OR RESIDENTIAL SCHOOL THAT IS AN ADJUNCT MINISTRY OF A CHURCH  
18 INCORPORATED IN THE STATE OF MONTANA.

19  
20 NEW SECTION. Section 4. Powers and duties of board -- registration requirements. (1) The  
21 board shall develop and implement a process for registration of programs and to set fees to carry out its duties  
22 under this section.

23 (2) The board shall:

24 (a) examine data gathered from the registration process;

25 (b) examine current regulations and standards applicable to these programs;

26 (c) determine ~~whether~~ additional regulations and standards THAT are needed;

27 (D) EXAMINE THE QUALITY OF CHILD CARE AVAILABLE IN THE VARIOUS PROGRAMS, ANY ASPECTS OF EXISTING  
28 PROGRAMS THAT NEED IMPROVEMENT, AND THE POSITIVE CONTRIBUTIONS TO OR NEGATIVE INTERACTIONS WITH LOCAL  
29 COMMUNITIES;

30 ~~(d)~~ (E) determine the need for the continued existence of the board and its duties or responsibilities; and

1 ~~(e)(F)~~ report to the ~~2007 legislature~~ ECONOMIC AFFAIRS INTERIM COMMITTEE detailing the board's findings  
2 ~~and, recommendations, AND PROPOSED LEGISLATION, IF ANY, BY SEPTEMBER 15, 2006.~~

3 (3) The board shall require information to be provided for registration of programs. The information  
4 includes but is not limited to:

5 (a) a description of the program and facility;

6 (b) a description of the population served by the program;

7 (c) the location and contact information for each program, including the person responsible for the  
8 conduct of the program;

9 (d) a list of professional and supervisory employees and relevant credentials and other qualifications;

10 (e) the average daily census;

11 (f) a copy of program policies and procedures on:

12 (i) admission;

13 (ii) behavior management;

14 (iii) communication with family members;

15 (iv) the availability of routine and emergency medical and psychological care; and

16 (v) medication management.

17 (4) The board shall adopt rules to determine any additional information necessary for registration.  
18 Registration must be updated annually. The board may set fees as provided in 37-1-134 that may be  
19 commensurate with program size. The board shall make available to the public information on the name,  
20 address, and contact information for each registered program.

21 (5) The board is exempt from the provisions in 37-1-105, 37-1-136, 37-1-137, 37-1-138, 37-1-141, and  
22 Title 37, chapter 1, parts 2 and 3.

23  
24 NEW SECTION. Section 5. Codification instruction. (1) [Section 1] is intended to be codified as an  
25 integral part of Title 2, chapter 15, part 17, and the provisions of Title 2, chapter 15, part 17, apply to [section 1].

26 (2) [Sections 2 ~~and 3~~ THROUGH 4] are intended to be codified as an integral part of Title 37, and the  
27 provisions of Title 37 apply to [sections 2 ~~and 3~~ THROUGH 4].

28  
29 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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